



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/566,519 | 01/30/2006 | Akira Yoshida | 01050-1010 | 7130 |

7590
Ditthavong & Carlson
10507 Braddock Road
Suite A
Fairfax, VA 22032

| |
|----------|
| EXAMINER |
|----------|

TORRES VELAZQUEZ, NORCA LIZ

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1794

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 10/566,519 | Applicant(s) YOSHIDA ET AL. | |
| | Examiner Norca L. Torres-Velazquez | Art Unit 1794 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>013006 061206</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language in this claim is not clear, are Applicants claiming that the nonwoven fabric is laminated to a woven fabric? Is the woven fabric an additional layer? Applicants are advised to revise and modify the claim for clarity. For examining purposes, the Examiner interprets the claim as having a woven fabric needled to the nonwoven fabric.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by TANAKA (S63-9598Y2).**

TANAKA relates to a cushioning material that is characterized in that a first fibrous layer comprises heat-resistant aromatic polyamide fiber and a second fibrous layer comprising heat-resistant fiber having a lower melting point than this are needle-punched. The reference teaches the use of aromatic polyamide fibers with fibers such as polyamide and polyester. (Refer to translated Abstract)

Art Unit: 1794

5. Claims 2, 4 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by YOSHIDA (EP 1462233 A1).

YOSHIDA discloses a cushioning pad for hot pressing that has a nonwoven fabric made of a mixed fiber of a fiber A and a fiber B. Fiber A is an aromatic polyamide fiber. (Abstract, [0020]) Fiber B is a polybenzazole fiber. (Refer to [0012], [0026]) The reference teaches a blend ratio of fiber A to fiber B in the range of 95/5 to 55/45. [0031] With regards to claims 13-19, the reference teaches a method that reads on the claimed process. (Refer to [0018] and [0051]) The reference further teaches lamination the nonwoven material to a woven fabric made of heat resistant fiber by needle punch. [0032] It is further noted that the reference teaches laminating a woven fabric to the nonwoven material by needle punch in order to provide dimensional stability to the cushioning pad. [0032]

The Examiner equates Fiber A of the reference to the second component of claimed in the present invention and Fiber B to the first component.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5 and 7-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over KOCHESKY et al. (US 5,284,704).

KOCHESKY et al. discloses fibers comprising 10 to 100% of bicomponent fibers, composed of a core polymer covered by a sheath polymer. The reference teaches that the

Art Unit: 1794

products are used for example for drive belts, among other applications. (Abstract) The reference teaches a nonwoven fabric made from bicomponent fibers having a polyester core polymer surrounded by a polyester sheath polymer, the fibers are needled and heat treated. (Refer to Claim 1) On claim 6, the reference further teaches a blend of bicomponent polyester fibers and other fibers selected from the group consisting of rayon, nylon, acrylic and wool fibers.

It is the Examiner's interpretation that the nonwoven fabric taught by the KOCHESKY et al. reference reads on the nonwoven fabric of the present invention. With regard to the recited intended use as a hot-press cushioning material, it is the position of the Examiner that since prior art or record meets all of the structural limitations there is nothing on record to evidence that the nonwoven fabric taught by KOCHESKY et al., would not function in the desired capacity. Applicant is invited to evidence otherwise.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over KOCHESKY et al. (US 5,284,704) as applied to claim 1 above, and further in view of TANAKA (S63-9598Y2).

TANAKA relates to a cushioning material that is characterized in that a first fibrous layer comprises heat-resistant aromatic polyamide fiber and a second fibrous layer comprising heat-resistant fiber having a lower melting point than this are needle-punched. The reference teaches the use of aromatic polyamide fibers with fibers such as polyamide and polyester. (Refer to translated Abstract)

Thus, it would have been obvious to one having ordinary skill in the art of cushioning materials to provide the nonwoven of KOCHESKY et al. with a composition that includes an

Art Unit: 1794

aromatic polyamide component and a polyester in order to produce a material suitable for molding press that does not require the use of a binding agent as taught by TANAKA. (Refer to Abstract)

9. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOCHESKY et al. (US 5,284,704) as applied to claim 1 above, and further in view of YOSHIDA (EP 1462233 A1).

YOSHIDA discloses a cushioning pad for hot pressing that has a nonwoven fabric made of a mixed fiber of a fiber A and a fiber B. Fiber A is an aromatic polyamide fiber. (Abstract, [0020]) The reference further teaches lamination the nonwoven material to a woven fabric made of heat resistant fiber by needle punch. [0032] With regards to claim 20, YOSHIDA teaches the production of a laminate such as a printed circuit board. [0002]

Thus, it would have been obvious to one having ordinary skill in the art of cushioning materials to provide the nonwoven of KOCHESKY et al. with a woven fabric laminated to it in order to provide dimensional stability to the cushioning pad as taught by YOSHIDA. (Refer to [0032])

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Norca L. Torres-Velazquez/
Primary Examiner, Art Unit 1794

September 24, 2008